

**DETAILED ACTION**

1. This action is in regards to the response received on 07/07/2011.

Claims 42-44, 49, 55, 56, 60-62 and 70-77 have been amended. Claims 45-48, 51-54, 57, 63-69 have been cancelled. Claims 42-44, 49, 50, 55, 56, 58-62 and 70-77 are pending.

***Response to Arguments***

2. Applicant's arguments filed 07/07/2011 have been fully considered but they are not persuasive.

Point A. With regards to the Rejection under 35 USC § 102 (e), the applicants argue that However, upon careful reading, it is clear that "the cellular radio network" of Miner is addressing the connection type between the host server and the network and does not teach anything about the network-enabled cellular phone itself. Furthermore, the entire document is silent in regards to a network-enabled cellular phone having image-based search capacity.

As to Point A, the Examiner respectively disagrees. The examiner would like to state that Miner does teach or suggest a network-enabled cellular phone. Furthermore, Miner does teach or suggest a network-enabled cellular phone having image-based search capacity. (*See column 8, lines 26-33, if the signals were (or include) audio signals acquired, for example from an audio contextual input device such as a microphone or stethoscope 192 or a telephone 199 (a network-enabled cellular phone) (FIG. 1) and See column 4, lines 13-17, Image*

*search capability, and see Fig. 1 199 (a network-enabled cellular phone), Fig. 5 and Fig. 6).*

Point B. With regards to the Rejection under 35 USC § 102 (e), the applicants argue that However, as previously noted there is no teaching or suggestion in Miner of a network-enabled cellular phone having image-based information retrieval capabilities.

As to Point B, the Examiner respectively disagrees. The examiner would like to state that Miner does teach or suggest a network-enabled cellular phone having image-based information retrieval capabilities. (*See column 8, lines 26-33, if the signals were (or include) audio signals acquired, for example from an audio contextual input device such as a microphone or stethoscope 192 or a telephone 199 (a network-enabled cellular phone) (FIG. 1) and See column 9, lines 44-55, In order to retrieve the query results in the form of images.)*)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 42-44, 49, 50, 55, 56, 58-62, 70-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Miner (US 7,653,702 B2).**

4. With respect to the claim 42, Miner reference teaches A method for retrieving information from a network-based information provider comprising:

a) providing a network-enabled, cellular phone equipped with an image-capture device, said cellular phone being (See column 8, lines 26-33, if the signals were (or include) audio signals acquired, for example from an audio contextual input device such as a microphone or stethoscope 192 or a telephone 199 (a network-enabled cellular phone) (FIG. 1) and See column 4, lines 13-17, Image search capability, and see Fig. 1 199 (a network-enabled cellular phone), Fig. 5 and Fig. 6) configured to retrieve information from a network having at least one information provider operative to provide search results to queries defined at least in part by electronic representations of real-world entities captured by said image-capture device; (See column 10, lines 42-49, a camera, that captures the desired image and See column 3, lines 59-67 and see column 4, lines 1-7, a personal assistant device, and a contextual input device. In use, the contextual multimedia association module accesses the Internet (a network-enabled) and downloads web documents (retrieve information from a network) to a metadata repository... The user captures input data about an object or item of interest by means of the contextual input device.... The personal assistant device automatically digitizes (electronic representation) and processes the input data.... The contextual multimedia association applies the query to numerous

*data stores, optimizes the search results, and then presents the optimized search results to the user. and See column 4, lines 13-17, Image search capability)*

b) formulating a query for information to be supplied to a user by transforming data obtained from at least one real-world entity into an electronic representation of the real-world entity by way of said image- capture device (See column 4, lines 1-7, *The personal assistant device automatically digitizes* (transforming data to an electronic representation) *and processes the input data, and further automatically formulates a query... The contextual multimedia association applies the query to numerous data stores, optimizes the search results, and then presents the optimized search results to the user*);

c) retrieving information from said network-based, information-provider based on the query (See column 6, lines 1-5, *explores the World Wide Web by retrieving a document*.); and

d) presenting the information by way of a user-output interface (See column 8, lines 53-63, *displays the preliminary results to the user by means of an appropriate output device 330, such as a liquid crystal display (LCD), an audio message, a speaker, a monitor, or any other suitable user interface*.).

5. With respect to the claim 43, Miner further teaches wherein said image-capture device includes a digital camera (See column 10, lines 42-49, *a camera, that captures the desired image*.).

6. With respect to the claim 44, Miner further teaches wherein said image-capture device includes a video camera (See column 8, lines 33-44, *a video camera 185*,).

7. With respect to the claim 49, Miner further teaches wherein said network-based information-provider is implemented as a network-based dedicated server configured to perform data-processing on data of the electronic representation of real-world entities captured by said image-capture device (*See column 4, lines 10-25, Information access based on data acquired from real objects*).

8. With respect to the claim 50, Miner further teaches said at least one network-based information-provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (*See column 1, lines 25-37, The World Wide Web (WWW) is comprised*).

9. With respect to the claim 55, Miner further teaches wherein said formulating a query includes fusing data of a plurality of electronic representations of real-world entities captured by said image -capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS. (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).*

10. With respect to the claim 56, Miner further teaches wherein said formulating a query includes fusing data inputted by a user with said at least one

electronic representation of real-world entities captured by said image -capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS.* (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).

11. With respect to the claim 58, Miner further teaches wherein said user output device is selected from the group consisting of a visual output device, audio output device, and vibrator (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330 such as a liquid crystal display (LCD), an audio message, a speaker, a monitor,.*).

12. With respect to the claim 59, Miner further teaches comprising alerting a relevant party in response to the information retrieved from said network-based information-provider according to instructions inputted by way of a key pad of said cellular phone (*See column 11, lines 17-28, input device 111 is shown (alerting) acquiring audio signals from an audio search such as a bird, to illustrate an audio search capability of the system 10 and see Fig. 10, Search Result (alerting) and See column 8, lines 44-53, a keypad).*

13. With respect to the claim 60, Miner further teaches A network-enabled telephony device comprising a network-enabled, cellular phone having an image-capture device, said cellular phone being configured so as to enable

generation of queries at least partially based on image data captured by said image-capture device for retrieval of information from at least one network-based, information provider responsive to such queries. (See column 8, lines 26-33, if the signals were (or include) audio signals acquired, for example from an audio contextual input device such as a microphone or stethoscope 192 or a telephone 199 (a network-enabled cellular phone) (FIG. 1) and See column 4, lines 13-17, Image search capability, and see Fig. 1 199 (a network-enabled cellular phone), Fig. 5 and Fig. 6 and See column 9, lines 44-55, In order to retrieve the query results in the form of images.)

14. With respect to the claim 61, Miner further teaches wherein said image -capture device includes digital camera. (See column 10, lines 42-49, a camera, that captures the desired image).

15. With respect to the claim 62, Miner further teaches wherein said image -capture device includes video camera (See column 8, lines 33-44, a video camera 185,).

16. With respect to the claim 70, Miner further teaches wherein said cellular-phone being further configured to fuse image-data captured by said image-capture device with audio data captured by a microphone of said cellular-phone, (See column 8, lines 26-33, if the signals were (or include) audio signals acquired, for example from an audio contextual input device such as a microphone or stethoscope 192 or a telephone 199 (a network-enabled cellular phone) (FIG. 1) and See column 4, lines 13-17, Image search capability, and see

*Fig. 1 199 (a network-enabled cellular phone), Fig. 5 and Fig. 6 and See column 9, lines 44-55, In order to retrieve the query results in the form of images.,).*

17. With respect to the claim 71, Miner further teaches wherein said cellular-phone being further configured to fuse image- data of a plurality of images captured by said image -capture device (*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS.* (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image)).

18. With respect to the claim 72, Miner further teaches said cellular-  
phone being further configured to fuse textual data inputted by way of a key pad  
of said cellular phone with image data captured by said image -capture device  
(*See column 5, lines 1-6, a user can combine (fusing data) visual information with virtual or invisible information such as GPS.* (The examiner would like to state that adding GPS data to image data is fusing data according to the specification (see page 12, lines 4-11, Introduce data-fusion techniques to incorporate additional information to the sensor data ...using GPS technology or using the cellular service provider's information about the device's location, such that a geographical component is added to the captured image) *and See column 8, lines 44-53, a keypad).*)

19. With respect to the claim 73, Miner further teaches wherein said network-based information-provider is implemented as a network-based dedicated server configured to perform data-processing on data of the electronic representation of real-world entities by said data-capture device (*See column 3, lines 59-67, installed on a server,..*).

20. With respect to the claim 74, Miner further teaches wherein said at least one network-based information-provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (*See column 1, lines 25-37, The World Wide Web (WWW) is comprised*).

21. With respect to the claim 75, Miner further teaches further comprising an output device for presenting information retrieved from said information provider to a user (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330*).

22. With respect to the claim 76, Miner further teaches wherein said output device is selected from the group consisting of a visual output device, audio output device, and vibrator (*See column 8, lines 53-63, displays the preliminary results to the user by means of an appropriate output device 330 such as a liquid crystal display (LCD), an audio message, a speaker, a monitor*).

23. With respect to the claim 77, Miner further teaches wherein said cellular phone being configurable to alert a relevant party in response to the information retrieved from said network-based information provider according to instructions inputted by way of said key pad (*See column 11, lines 17-28, input*

*device 111 is shown (alerting) acquiring audio signals from an audio search such as a bird, to illustrate an audio search capability of the system 10 and see Fig. 10, Search Result (alerting)).*

### ***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./  
Examiner, Art Unit 2444  
10/14/2011

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